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from the pages of 'Oliver Twist' this teaching is once again to be taken by all who will look for it there" (page 161). It was not as a writer of tracts or of moral essays that Mr. Dickens won his great reputation; and of the thousands who have read "Oliver Twist," probably no one has ever remarked before that "it is the book's pre-eminent merit that vice is nowhere made attractive in it." In the same vein Mr. Barnum criticised the moral dramas formerly played in his Museum, and made daily use of his criticism in the form of an advertisement; they were warranted not to bring a blush to the cheek of the purest-minded female. Mr. Forster may not have heard that soon after Dickens's death there was much discussion in this country among earnest-minded advocates of temperance as to whether an author so fond of the "wicked jingle of glass," and who so often and so enthusiastically chanted the praises of half-and-half, mulled wine, hot punch, and brandy cold without, was a moral writer or even a Christian.

3. — *Livy, Books I. – X. With Introduction, Historical Examination, and Notes.* By J. R. SEELEY, M. A., Professor of Modern History, Cambridge. Book I. Oxford: At the Clarendon Press. 1871. 8vo. pp. 198.

THERE is certainly room for a good edition of *Livy* with English notes; for there exists none at present, except of certain portions, selected for the use of classes. There is, to be sure, Weissenborn's cheap and excellent edition, for those who can read German,—and the student of philology who cannot read German lacks one of the tools of his trade; but its crowded pages and painful minuteness of annotation weary both the mind and the eye of the English student. And even Weissenborn does not give us all that we want. His chief interest is with the grammar and language of *Livy*; and although he devotes a fair amount of space to explaining the facts told by his author, yet he can hardly be called an independent student in this field. He generally adopts intelligently, and not slavishly, the views of the prevailing school of antiquarians; what we may call the school of Niebuhr, represented especially by Schweigler and Becker. But these views are in a fair way to be superseded by the later doctrines advanced by Mommsen, which may be said to have fairly revolutionized a great part of our theories upon the early institutions of Rome.

Mr. Seeley has therefore undertaken a very useful enterprise; and even if he gives us no more than the first decade, we shall be grateful for that, and hope that some one else equally competent will continue

his work. At any rate the first decade by itself will have a certain completeness, and it is here that the doubtful points in Roman antiquities are chiefly to be found. And since we have criticised Weissenborn as giving too little historical commentary, and that incomplete, in view of Mommsen's recent theories, we are glad that Mr. Seeley gives his chief attention to this department of the field, and that he is an unequivocal follower of Mommsen in almost every point. "It is difficult," he says, "to be equally thorough in three departments so distinct, and each so large, as Roman antiquities, Latin philology and grammar, and textual criticism. My chief attention has been given to the first, but I shall be disappointed if this edition is not judged to deal conscientiously and thoroughly with the difficulties of idiom and construction which Livy presents. In textual criticism all I have done is to exert an independent judgment upon the materials furnished by Weissenborn, Hertz, Alschefski, Madvig, etc." (p. 9). These words describe very exactly the character of the edition, and claim no more merit for its execution than the editor fairly deserves.

It is a clear advantage for the student that the historical commentary is chiefly given in the form of a preliminary essay, instead of being scattered through the book. Notes to each passage must necessarily be partial, and at the same time can hardly avoid repeating each other more or less, and nothing is more important than a clear and connected notice of the subject as a whole. In this Historical Examination the most striking characteristic is the clearness and compactness with which the "case" is stated, and the reader put in possession of the facts from which his judgment must be formed. After the volumes of conjecture and argument that have been bestowed upon these obscure subjects, one is really surprised to see to how small a bulk the whole can be reduced by a man who possesses at once erudition and common sense. To be sure several important and puzzling topics are reserved for the commentaries upon the following books; but leaving these aside, we believe we are speaking within bounds when we say that there is not in existence so accurate and comprehensible and at the same time comprehensive a discussion of the early Roman constitution as this, or so good an introduction to the study of the subject. One is especially impressed with the clear-sightedness with which the really essential points are singled out, and the multitudinous minutiae which only serve to confuse and obscure are passed over. In spite of the moderate bounds within which the whole is brought, one very rarely misses a point or a citation that would add very much to the argument.

A special merit of this introductory essay is the good illustrations it gives of the right way of approaching a subject; for upon this de-

pends half the cogency of an argument. Mr. Seeley makes it a practice to introduce every topic with one of two things, — either a plain and clear statement of what is known as a certainty, by well-attested evidence, in regard to the early times; or a similar statement of the well-ascertained usage in the later ages of the Republic. In the first case, the reader starts on his inquiries with his mind disembarrassed of the confusing speculations of modern writers, and is able to pass readily from the meagre facts which are known to the most probable inference from them. The second method is even more fruitful. Nothing is more surprising, when one considers the subject, than the degree in which these incoherent traditions in regard to institutions which very soon passed out of use have overshadowed in our minds the institutions which actually existed when Rome was a powerful Republic. We spend pages in debating whether Livy was right in giving 194 centuries in the time of the kings, or Dionysius in giving 193; and are hardly aware of the fact that neither of these figures is of any importance for historical times, and that we are utterly ignorant how many centuries there were at the time when the Centuriat Comitia were the most important legislative body in the world.

When the real facts known are thus put together and placed before the reader, this is in itself a better refutation of the credibility of the early history than a long argument. And yet Professor Seeley's reply to Dr. Dyer in regard to this is so excellent that we cannot avoid citing a part of it (p. 50):—

“If we had good testimony that there existed a large mass of contemporary testimony from which our historians might have drawn their history of the kings, it would certainly be superfluous to imagine any other way in which they may have constructed it. Our confidence in most modern historians rests no doubt upon our knowledge that they had access to the truth, and had therefore no inducement to invent. But on the most favorable view, on Dr. Dyer's own view, of the sources of the early history, it cannot be said that we know Livy and Dionysius to have had access to any copious contemporary account of the regal period. The utmost Dr. Dyer ought to consider himself to have proved is, that there were certainly some contemporary documents, that probably they were not nearly so few as has been supposed, that conceivably they were positively numerous and minute. On the other hand, it is possible, even granting all that he has urged, that the more unfavorable view is correct. I myself feel that the very best evidence we have about early documents is not such as ought to produce certainty. . . . Dr. Dyer would perhaps answer this by an argument which he uses more than once, namely, that the evidence, if

slight, 'is the best evidence that can reasonably be expected in a matter of such high antiquity.' The truth is, he differs from his opponents more on the principles of logic itself than on the facts to which they are applied. He believes that historical evidence gains in demonstrative power in proportion as it diminishes in quality, and that it does so expressly in order to prevent the inconveniences that might otherwise arise. He believes that in a recent period we are right to require a good deal of evidence, because we can get it, but that in a remote period less is necessary, because less can be had."

If Professor Seeley exposes very thoroughly the fallacy of the argument for the credibility of the early history, he is equally conclusive — and in just the same way, by a naked statement of ascertained facts — in refuting many of the theories that have been brought forward to take the place of the old traditions. We believe that in every question that comes up, where Mommsen differs from Schwegler and Becker, and other scholars of the school of Niebuhr, he accepts Mommsen's conclusions, — conclusions, it should be observed, which in almost every case return nearer to the old traditions. He shows that the *curiate comitia* were not exclusively patrician in the time of the Republic, — one of the chief points in which Niebuhr rejected Livy's authority. As a corollary of this, he appears to accept the plebeians as members of the *sex suffragia*, although his expressions in regard to this point are less perspicuous than is usual with him, and the note to chapter forty-three rather implies that he thinks them exclusively patrician. And at any rate, he does not go so far as Mommsen and Rubino in ranking the *sex suffragia* under the twelve *centuriæ equitum*. Again, he shows that the *patrum auctoritas* cannot be identical with the *lex curiata de imperio* (a favorite theory of Niebuhr), and thus is led to adopt Mommsen's view that, while the entire Senate was a purely advisory body, the patrician members of it possessed certain special powers as an independent body.

Nevertheless, even Professor Seeley sometimes shows marks of being widely influenced by the prevailing theories and the traditions in regard to prehistoric times. The *sex suffragia* are a case in point, although of too trifling importance to spend much time upon. We think that no person who reads Rubino's or Mommsen's argument, and keeps his mind clear from previous theories, can fail to be convinced that in the last century of the Republic the *sex suffragia* were lower in rank than the *centuriæ equitum*. Even Livy (i. 43) gives more support to this view than to the other; and his expression (xliii. 16), "cum ex duodecim centuriis equitum octo censorem condemnassent," is, in its connection, quite conclusive. It is supported, moreover, by

Cicero (Rep. ii. 22), "equitum centuriæ cum sex suffragiis," words which seem to mark the latter as an appendage to the former. Taken in connection with Festus, p. 334, who describes the *sex suffragia* as later in origin, we have every reason to conclude, with Mommsen, that the *sex suffragia* were not merely open to plebeians, but were actually lower in rank than the other centuries of knights.

In another point Professor Seeley appears to us not to have followed out the argument as fully as would have been desirable; or rather, perhaps, he made a mistake in deferring the consideration of the clients and the plebs until the next book. For although, as he says, the chief importance of the plebs falls in the times of the Republic, yet a knowledge of its nature is essential to an understanding of the monarchy; and at any rate the clients are an essential element of the earliest community. The section upon "The Patricians and the Senate" is therefore the most unsatisfactory of the whole, not so much for what it contains as because it fails to cover the whole ground of discussion. Our author satisfactorily vindicates, against Rubino, Niebuhr's theory that the patricians were the body of the citizens at the foundation of the state; but, after all, Rubino, in many respects the most acute and logical mind which has been employed upon the field of Roman antiquities ("how many things Huschke divined, which Rubino has proved!" says Mommsen), — after all, we say, Rubino, in his suggestion of an earlier nobility, from whom the patricians were taken, seems to have caught a glimpse of an important truth. There was one body of the plebs — the rural plebs, the citizens of conquered towns of Latium — the consideration of which properly belongs to the second book. There was another body — the city rabble, emancipated slaves, hucksters, and poor mechanics, floating to Rome from every quarter — whose importance belongs to a much later time. But there was a plebs as far back as Roman tradition goes, or rather a body which afterwards became a part of the plebs, — the clients. These must have been Romans, as well as the patricians, but they were not citizens; they were attached to the patrician *gentes*, but not members of them. Their origin lies far beyond the reach of historical records, but perhaps we shall not be far out of the way if we compare them to the similar class in England, — the *ceorls*, who were obliged to "commend" themselves to powerful thanes. "Commendation" is of the nature of clientage, and, as Mommsen has shown, clientage was a relation essentially the same as *hospitium*, — a relation that we can more easily conceive to have arisen from a gradual loss of freedom, such as we know took place in England, than from the conquest and enslavement of a free people.

Or take the analogy of Athens, where the *Eupatridæ* were an aristocracy within an aristocracy, precisely such as Rubino conjectures the patricians to have been. There were in early times in Athens three grades: first, the *Eupatridæ*, or patricians, who were in exclusive possession of political rights. But there were by their side the *geomorî* and *demiurgi*, equally Athenians, equally members of the tribes, *gentes* and *phratriæ*, but excluded from political power until the time of Solon. And there were still others outside of the tribal organization, and therefore not even Athenians in the highest sense of the word, who were first admitted to political rights by the reforms of Clisthenes. Now Rubino's theory of the origin of the patriciate cannot stand a moment; still we believe that the patricians, the clients, and the later plebs corresponded respectively to these three classes. But the second class in Athens was recognized as belonging to the old tribal organization, while in Rome it was in a completely dependent position, but still — we must think — belonging in a sense to the respective *gentes*, upon which its members were individually dependent. And this relation is more likely to have come up gradually than to have been established suddenly; considering how all-important was the state, and how rigorous was the principle of authority in Rome, nothing is more natural than that a process of degradation which was begun in Athens should here be carried to its fullest extent.

What, then, is meant by the words in the speech of Decius (Liv. x. 8), “vos solos gentem habere,” — “that you [patricians] alone have the gentile organization”? In a broad sense this was not true; as Professor Seeley says, “the institution of the ‘gens’ was not peculiar to Rome, but was widely spread through all the nations of antiquity”; the Latins, Sabines, and Samnites had it as well as the Romans; the plebeians must have had it as well as the patricians, that is, the rural plebeians, the citizens of conquered cities. Certainly it is a legitimate inference from this and other passages, that the plebeian *gentes* were not “*gentes*” in the strict *legal* sense of the word, that is, as an organized Roman institution. But essentially and *historically* they were as good as the patrician. We can understand the distinction better by quoting the rest of the words of Decius: “Semper ista audita sunt eadem, penes vos auspicia esse, vos solos gentem habere.” Now what is true of the “*gens*” is true of the auspices. These, too, were a primitive Italian institution, and the plebeians used auspices as well as the patricians. But they were not the same auspices. The patricians, who alone were citizens of the early community, developed their own gentile organization, of which the clients must have been dependent members, and this became the state; any other “*gentes*” were outside the state.

In like manner their peculiar form of taking auspices was established as the legal form, and it was solely in their hands and understood by them alone. All other auspices were private or foreign. So far as the plebeiate was made up of clients, who were subject to the gentes, or of a floating population, who were outside of all organizations, it is true that they had neither "gens" nor auspices. But the genuine plebeians, members of the country tribes, those who fought out the great contest for equality of rights, — the ancestors of the Licinii, Sempronii, Lutatii, and Mucii of the later Republic, — must have had a gentile organization and auspices of their own, perhaps equally ancient, but unrecognized, and thus of no public validity. It is worthy of notice that in Cicero's definition of the gentile relation (Top. 6) nothing is said of its being peculiarly patrician.

The annotations show the same admirable clearness and sagacity in presenting what is essential and passing over useless matter, that we have found in the Historical Examination. Especially the editor takes frequent pains to point out the inconsistencies in Livy's account, and his utter lack of historical judgment; thus completely disposing of Dr. Dyer's assumption that, however low we may rate Dionysius and Diodorus, Livy is good authority. For example, the note on "descendentibus inter duos lucos," ch. 8: "This is an instance of Livy's way of slurring difficulties. He says that 'on descending' you find the enclosed space called 'inter duos lucos.' On descending what? As we have been told that Romulus's city was on the Palatine, we naturally assume that this is the hill meant. Livy, however, does not say so, and as a matter of fact it was on the Capitoline. Not knowing how to explain this, he suppresses it."

We are surprised that so careful a student of Mommsen should seem to be unaware of his change of opinion upon so important a point as the origin of the worship of Hercules (p. 30). It is true that in his earlier editions, Mommsen held that he was a native deity, whose name was connected etymologically with the old Italian verb *hercere*, and that he was mistakenly identified with the Greek Herakles. But in his last edition he has returned to the common view that Hercules was a Latinized form of Herakles, and that the early prevalence of his worship is one among the many indications of an early and powerful Greek influence. See Vol. I. p. 240, Am. ed.

We will close with the citation of a passage which is a good illustration of Professor Seeley's clear perception of historical relations: "On the whole the senate answers in its original character very exactly to the council of Areopagus. In its history it differs entirely, owing to the fact which makes the capital distinction between the constitutional

history of Rome and of Athens, namely, that the popular assemblies at Rome were not debating assemblies, while at Athens they were. Hence at Athens the Areopagus was gradually pushed into the background, while the Roman Senate continued always the great arena of political discussion." (p. 69.)

4. — *Letters and other Writings of the late Edward Denison, M. P. for Newark.* Edited by SIR BALDWIN LEIGHTON, Bart. London: Richard Bentley and Son. 1872.

IT would be a hard task to define the laws which govern the issue of privately printed matter. The heavy quartos which appear from time to time, containing genealogical details and untrustworthy pedigrees, may be supposed to be due in some respect to family vanity (not that we have anything to say against them, destined as they are to become the delight of the bibliomaniac); a love for the dead sometimes shows itself in the collection of literary fragments scraped from the most heterogeneous of sources, perhaps purposely confined to oblivion by the author, who would be the first to protest against any value being attached to them. Thus it is that the verses written at school and the hasty sketches of unfinished tales are ushered into the world, while the personal affection and interest the writers inspired among their contemporaries are expected to extend to these crude productions. Whatever may be the motive which is at work, whenever we see a privately printed volume, we feel convinced that only a short interval of time is likely to elapse before its publication. The private issue of a book seems often a tentative mode of testing the interest of the public; if it is limited to a few copies, the work becomes a literary curiosity, and in proportion to the difficulty in obtaining it is the interest excited by it. If the subject be a record of family life or private details, every one wishes to read it: so little by little it advances towards publicity. A series of favorable reviews makes its progress easier; for how can hostile criticism be directed against a book which can only be read with, much less be reviewed without, the sanction of the editor? These reviews regret, as a matter of course, that the appreciation of a volume which possesses such intrinsic merits should necessarily be so limited, and urge upon the editor the judiciousness of publishing it for the benefit of the public. The editor, like all other editors, is naturally distrustful of his own powers, but at last succumbs, and, deprecating criticism, launches his labors upon the world. We gather from the volume before us that it has gone through some such similar antecedents,